

1 Timothy L. Alger (SBN 160303)
TAlger@perkinscoie.com
2 Julie E. Schwartz (SBN 260624)
JSchwartz@perkinscoie.com
3 PERKINS COIE LLP
3150 Porter Drive
4 Palo Alto, CA 94304-1212
Telephone: 650.838.4300
5 Facsimile: 650.838.4350

6 Amanda J. Beane (to be admitted *pro hac vice*)
ABeane@perkinscoie.com
7 PERKINS COIE LLP
1201 Third Avenue, Suite 4900
8 Seattle, WA 98101-3099
Telephone: 206.359.8000
9 Facsimile: 206.359.9000

10 Attorneys for Defendant
Twitter, Inc.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 MARC OPPERMAN, *et al.*,
17 Plaintiffs,
18 v.
19 PATH, INC., *et al.*,
20 Defendants.

Case No. 3:13-CV-00453-JST

**RE-NOTICE OF HEARING ON
TWITTER, INC.'S RENEWED MOTION
TO SEVER**

Hearing: April 4, 2013
Time: 2:00 p.m.
Courtroom: 9, 19th Floor
Before: Hon. John S. Tigar

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that the Renewed Motion to Sever [Dkt. 236] (“Motion”)
3 previously filed by Twitter, Inc. (“Twitter”) on February 19, 2013, and previously noticed for
4 hearing before the Honorable Donna M. Ryu on March 28, 2013, is re-noticed for hearing on
5 April 4, 2013, at 2:00 p.m., or as soon thereafter as the matter may be heard in Courtroom 9 of the
6 United States District Court for the Northern District of California, San Francisco Division,
7 before the Honorable John S. Tigar.

8 In its Motion, Twitter moves pursuant to Rule 21 of the Federal Rules of Civil Procedure
9 for an order severing the claims against Twitter from those against the other defendants. The
10 Motion is made on the grounds that the claims against Twitter arise from different transactions or
11 occurrences. It is also made on the grounds that the claims should be severed due to inefficiency,
12 the risk of prejudice, and the difficulties of managing a class.

13 The Motion was originally brought by Twitter while this action was pending in the United
14 States District Court for the Western District of Texas. The Motion was dismissed, and not
15 decided, when motions to transfer the action to this district were granted.

16 The Motion is based on the Notice of Motion and Motion [Dkt. 236], the Memorandum of
17 Points and Authorities [Dkt. 236], the Declaration of Timothy L. Alger in support and the exhibits
18 attached thereto [Dkt. 237], as well as the pleadings, record, and any evidence presented at the
19 hearing, and all matters that the Court may judicially notice.

20
21 DATED: February 27, 2013

PERKINS COIE LLP

22 By: /s/ Timothy L. Alger
23 Timothy L. Alger

24 Attorneys for Defendant Twitter, Inc.